

ELDER ABUSE AND FINANCIAL EXPLOITATION

Elder abuse and exploitation affect thousands of elders throughout the nation, though most abuse goes unreported. The National Center on Elder Abuse has found that only one in four cases of exploitation are reported to the proper authorities. Mainers are particularly vulnerable because Maine has the oldest population in the country, many rural and small communities which can breed social isolation, and elders that tend to sustain that Yankee sense of independence and pride which often leaves elderly residents reluctant to seek assistance or admit to abusive situations. How can we help protect our elders from abuse and exploitation?

Watch for Signs of Abuse or Exploitation

It is common for elders to seek independence and privacy, which can make it difficult to recognize certain signs of abuse. Nevertheless, there are several indicators of abuse and financial exploitation that one can observe with minimal invasion of the elder's privacy. Some common signs of abuse or exploitation include:

- sudden, unexplained deterioration of the elder's physical appearance;
- absence of adequate home amenities (e.g., power, heat, plumbing) and caretaker assistance;
- unpaid bills, particularly if someone else controls the elder's funds;
- excessive and unusual gifts given by the elder;
- property transactions that the elder cannot understand or explain (e.g., power of attorney, real estate deeds, new will, etc.); and
- change in the social habits of the elder, such as unexplained withdrawal from usual activities or no longer welcoming visitors into the elder's home.

Get Involved

You can help prevent the elders around you from suffering abuse or exploitation. If you have elderly neighbors, visit them regularly and offer to help them with daily tasks. Provide respite breaks for the caregivers of your beloved elders.

Visiting and helping provides you with an opportunity to watch for the common signs of abuse or financial exploitation. Elders may be less susceptible to those who may try to take advantage of them if it is well known that others care for and watch out for them.

Educate yourself and others about elder abuse signs and prevention. Build a network and facilitate communication among an elder's caregivers, family, and fiduciaries. Awareness and communication are critical not only in preventing elder abuse, but in recognizing the signs and allowing early intervention if a problem does arise.

Protect Elders from Abuse

Preparing estate planning documents can prevent many of the problems that lead to elder abuse and financial exploitation. When preparing documents, name trusted family members or advisors to serve in fiduciary roles and to manage assets. Never name someone you do not fully trust. There are professionals who can be of assistance and social services that provide services to help manage assets and pay bills.

Consider registering with the National Do Not Call Registry to reduce telemarketer scams. Scammers have become sophisticated, and personal information is easy to find on the internet. Telephone scammers often appear to know detailed information about the elder and family members, making it difficult to detect the exploitation until it is too late. Because it is so easy for scammers to pretend to be someone they are not, never provide personal information over the phone.

Do not throw away financial records. Statements can be stolen from the trash and used to exploit seniors. Maintaining records, even over several years, can provide insight into the usual habits of an elder, as well as a history of questionable or exploitative transactions.

Finally, screen third-party caregivers carefully. Do a criminal background check and reference check on third parties hired to assist seniors at home, particularly where the caregiver has access to financial information or accounts.

Report Your Concerns

If you suspect a problem, contact Adult Protective Services at 1-800-624-8404. A caseworker will investigate to determine whether additional help or services are appropriate. If the elder is living in a nursing facility or institution, contact the long-term care ombudsman who works there. The ombudsman can advocate for the senior and protect the rights the law guarantees to the elder. Contact a trusted advisor of the elder—for example, a church leader, attorney, financial advisor, community leader, or longtime friend of the elder. Third-party oversight or involvement can help protect seniors from exploitation and abuse.

Legal intervention may be necessary or advisable where exploitation has occurred or abuse is present. Some options include: seeking guardianship and/or conservatorship of the elder; challenging an agent's actions under a power of attorney; and civil suits for fraud, conversion, undue influence, or other claims. Depending on the circumstances, involvement of the Attorney General's office could result in criminal charges against the alleged abusers.

This article is intended to provide information of a general nature only. It does not provide or replace professional legal advice, and it does not establish an attorney-client relationship with the Maine Elder Law Firm or Rudman Winchell. Please consult an attorney for advice regarding your specific circumstances.